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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Federation for Human Rights (FIDH),
a non-governmental organization with special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

BAHRAIN

The International Federation for Human Rights (FIDH) wants to express its concern about the human rights situation in Bahrain.

Human Rights Infringements

The Bahraini population is continuously subject to serious human rights violations, on which the Bahreini government has omitted information in its last report to the Committee for the Elimination of Racism and Discrimination (CERD). Since the Bahrain is not party to the other Covenants on civil, political and economic rights, the CERD representing an important international instrument to monitor the human rights situation in the country, plays a vital role. Impunity of government officials remains a problem; it is thus necessary to establish an independent judicial system, since the King, Sheikh Hamad Bin Isa al Khalifa, chairs the Higher Judicial Council; the Government restricted freedom of speech, press, assembly, association, religion and movement. As to gender discrimination, it is important to point out the minor role played by women in the Bahraini society: there is no policy condemning violence against women or safeguarding their condition in the labour market. They are systematically excluded from high-ranking public jobs. In 2001, the total number of working women was 32.800, representing 26% of the whole manpower. The percentage of women occupying high-ranking posts was 7%. Discrimination is addressed to religious “minorities”, namely the Shiites, representing on the contrary, the majority of the population.

Violations of the right of association

According to the report of the UN working group on arbitrary detention in Bahrain(2002), civil society organizations are subject to the highly restrictive Society and Clubs Act law N° 21) of 1987, which provides a rather restrictive framework prohibiting political activities (article 50), under the authority of the Ministry of the Interior, the Ministry of Labour and the Supreme Council of Youth and Sport. In addition to that, also the Bahraini Criminal Code of 1976 restricts the non-governmental organizations activities, giving the government authorities the right to close temporally the societies being under suspicion.

On 29th September 2004, the Bahrain Center for Human Rights (BCHR) was closed after an administrative order was issued by the Ministry of Labour and Social Affairs, accusing”the people (namely the BCHR) who organized a seminar held in Manama on economic and social rights, as the enemies of the Bahraini society trying to harm the image of good families and provoke social instability”. The order also prohibited the members of the center to continue their activities and dispose of their funds. The BCHR is a non-governmental organization working for the promotion and the defence of human rights in Bahrein. Its work is more particularly focused on economic, political and social rights of migrant workers and women rights.

Harassments and repression against human rights defenders

On 26th September 2004, during a symposium on poverty and social rights in Bahrain, organized by the BCHR, M. Abdul Hadi Al Khawaja, the executive director of the center was imprisoned, under the charges of “encouraging hate of the state” and “distributing

falseness and rumors”, in conformity to the Articles 165 and 168 of the Bahraini Penal Code.

On 21 November 2004, after four months of judicial proceedings, “unfair” trials and a long hunger strike, started by the defendant in prison, the Lower Criminal Court of Bahrain, presided by the Judge Sayyed Mohammad Al Kafrawi, sentenced al Khawaja to one year imprisonment, sentence considered “unconstitutional” by the defendant lawyers. On 22 November 2004, His Majesty King Hamad granted pardon to Al Khawaja and to other 13 human rights activists.

Discrimination on the basis of religious orientation

More than two centuries of Bahraini history have been signed by a political and religious controversy between the dominance of the Al Khalifa tribal Sunni minority and grievances of Shi'a majority. The Bahraini Constitution guarantees religious equality but in practice, there is a clear tendency to discrimination.

Consequently, the Shi'a population is subject to a continuous undermining of its political, social and economic rights: they are excluded from high-ranking jobs, considered as second-hand citizens, often victims of arbitrary detention, torture and coercive exile. In August 2002, measures were taken to limit the electoral power of the Shi'a majority, granting Bahraini citizenship and the right to vote to Sunni tribes from Saudi Arabia, from Jordan, Yemen and Syria, in order to contrast the Shi'a decisional power.

The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, at the 24th meeting, on 21st August 1997, had already adopted resolution 1997/2, where it is noted that: *“the information concerning a serious deterioration of the human rights situation in Bahrain, including **discrimination against the Shi'a population**, extra judicial killings, persistent use of torture in Bahraini prisons on a large scale as well as the abuse of women and children who are detained and arbitrary detention without trial or access by detainees to legal advice”* and expressed *“its deep concern about the alleged and systematic violations of human rights in Bahrain”*. The problem has not been solved yet.

Migrant workers discrimination

Despite guarantees of the Bahraini Labour law, granting equal status to all workers, actually migrant workers, coming from developed countries, earn higher wages and benefit of better privileges in comparison with migrant workers, coming from poorer countries. Moreover, there are about 45.000 persons, the so-called “Free-Visa” who, considered outlaw, are compelled to live in precarious conditions.

Recommendations:

The FIDH calls upon the Commission on Human Rights to express its deepest concern on the Human Rights situation in Bahrain and adopt a resolution urging the

Bahraini authorities:

- To take the necessary steps to guarantee freedom of association and expression, by the rehabilitation of the BCHR and the reform the Societies law of 1989 in order to

conform with the Declaration on Human Rights Defenders adopted by the UN General Assembly on 9 December 1998, in particular article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels,” and article 5(b), stating that “everyone has the right, individually and in association with others, at the national and international levels to form, join and participate in non-governmental organizations, associations or groups”;

- To take effective legislative, judicial, administrative measures to implement the provisions of the CERD, according to the articles 2, 3 and 4 of the Convention;
- To establish special mechanisms to monitor the applications of guarantees of non-discrimination laid down in the law, according to the articles 4, 5 and 6 of the Convention, which requires the establishment of mechanisms ad hoc to receive complaints, to carry on investigations and to implement consequent decisions;
- To establish a National Human Rights Commission for monitoring the fulfillment of the State party's obligations;
- To ratify the International Covenant on Civil and Political Rights of 1966;
To respect foreigners' economic and social rights, giving effect to articles 198 and 302 bis of the Criminal Code and bringing to justice those “sponsors” who all too often break the rules and abuse the scheme;
- To safeguard women's rights, allowing them into high-ranking posts;
- To stop any kind of discrimination and harassment on the basis of sexual orientation or gender identity, in conformity with the provisions of the Bahraini Constitution;
- To adapt the Bahraini domestic law to the international standards, stated by the conventions ratified by the government.
